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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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## In re Application

Inventors: James D. Thornton and Richard R. Burton  
Appl. No.: 09/740,076  
Confirm. No.: 4563  
Filed: December 19, 2000  
Title: Method and System for Executing Batch Jobs by  
Delegating Work to Independent Service Providers

PATENT APPLICATION

Art Unit: 2174  
Examiner: Anh T. Nguyen  
Docket No. D/99578

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted on the date  
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total pages = 17

By:

  
Jeffrey R. KurinDated: February 17, 2005

## DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

James D. Thornton and Richard R. Burton, the Applicants in the above-identified patent application, declare as follows:

1. Prior to May 1, 2000, the Applicants actually reduced to practice source code that performed, or caused to be performed, the features of independent claims 1, 9, 13, 17 and 24 (or features equivalent thereto) of the above-identified patent application, as will be explained in more detail below.
2. The source code excerpts attached in Appendices A-E, all of which were created and successfully tested for their intended purpose prior to May 1, 2000, performed, or caused the performance of, the features of independent claims 1, 9, 13, 17 and 24 (or features equivalent thereto) of the above-identified patent application, as will be explained in more detail below.

3. The portions of source code shown in Appendix A correspond to the features of independent claim 1, and more specifically:

(a) the portion of code identified under the heading 1(a) corresponds to "a client communications part which receives a batch job from a client", as is required by independent claim 1;

(b) the portion of the code identified under the heading 1(b) corresponds to "an extracting part which extracts a task from the batch job", as is required by independent claim 1; and

(c) the portion of the code identified under the heading 1(c) corresponds to "an assigning part which receives a first signal from at least one of the plurality of service providers, and in response to the first signal delegates the task to one of the plurality of service providers for performing the task", as is required by independent claim 1.

4. The portions of source code shown in Appendix B correspond to the features of independent claim 9, and more specifically:

(a) the portion of the code identified under the heading 9(a) corresponds to "a job management apparatus in communication with the clients which receives a batch job from a client, extracts a task from the batch job, and assigns the task", as is required by independent claim 9;

(b) the portion of the code identified under the heading 9(b) corresponds to "a job database in communication with the job management apparatus which stores the batch job", as is required by independent claim 9;

(c) the portion of the code identified under the heading 9(c) corresponds to "a plurality of service providers in communication with the job management apparatus which receive the assigned task, perform the task, and return a result to the job management apparatus", as is required by independent claim 9; and,

(d) the portion of the code identified under the heading 9(d) corresponds to "at least one provider manager in communication with the job management apparatus and in communication with the plurality of service providers which monitors the tasks being performed on the service providers and provides status information to the job management apparatus", as is required by independent claim 9.

5. The portions of source code shown in Appendix C correspond to the features of independent claim 13, and more specifically:

(a) the portion of the code identified under the heading 13(a) corresponds to "a first service provider configured to send a first signal for requesting work", as is required by independent claim 13;

(b) the portion of the code identified under the heading 13(b) corresponds to "a second service provider configured to send a second signal for requesting work", as is required by independent claim 13; and

(c) the portion of the code identified under the heading 13(c) corresponds to "a job management apparatus including an assigning part and a contact part in communication with the first and second service providers, the assigning part configured to delegate one of the tasks to one of the first and second service providers responsive to receiving the first and second signals from the service providers", as is required by independent claim 13.

6. The portions of source code shown in Appendix D correspond to the features of independent claim 17, and more specifically:

(a) the portion of the code identified under the heading 17(a) corresponds to "submitting a batch job with processing parameters to a job management apparatus", as is required by independent claim 17;

(b) the portion of the code identified under the heading 17(b) corresponds to "storing the batch job in a job database", as is required by independent claim 17;

(c) the portion of the code identified under the heading 17(c) corresponds to "receiving a first signal from at least one of a plurality of service providers which informs the job management apparatus of the service providers ability to perform a task", as is required by independent claim 17;

(d) the portion of the code identified under the heading 17(d) corresponds to "extracting at least one task from the batch job", as is required by independent claim 17;

(e) the portion of the code identified under the heading 17(e) corresponds to "delegating the task to the service providers in response to the first signal", as is required by independent claim 17;

(f) the portion of the code identified under the heading 17(f) corresponds to "performing the task delegated to the service provider", as is required by independent claim 17;

(g) the portion of the code identified under the heading 17(g) corresponds to "completing the task", as is required by independent claim 17; and,

(h) the portion of the code identified under the heading 17(h) corresponds to "returning a result from the service provider to the job management apparatus", as is required by independent claim 17.


7. The portions of source code shown in Appendix E correspond to the features of independent claim 24, and more specifically:

(a) the portion of the code identified under the heading 24(a) corresponds to "a client communications software component which receives a batch job from a client", as is required by independent claim 24;


(b) the portion of the code identified under the heading 24(b) corresponds to "an extracting software component which extracts a task from the batch job", as is required by independent claim 24; and,

(c) the portion of the code identified under the heading 24(c) corresponds to "an assigning software component which receives a first signal from at least one of a plurality of service providers, and in response to the first signal delegates a task to one of the plurality of service providers for performing the task". as is required by independent claim 24.

The Applicants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of this application or any patent resulting therefrom.

  
James D. Thornton

2/14/2005  
Date

  
Richard R. Burton

2/14/2005  
Date